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EMPLOYER'S LIABILITY.

The New York Bureau of Labor Statistics, in its seventeenth annual report, presents a large variety of statistics upon interesting topics, including over five hundred pages upon the "The Economic Condition of Organized Labor," showing the number of members of labor organizations, the amount of unemployment and of employment, the quarterly earnings, and the daily rates of wages.

The remainder of the book, amounting to over seven hundred pages, is devoted to a study of "The Compensation of Accidental Injuries to Workmen," which is by far, the most valuable presentation of the subject that has yet been made to American readers. It is introduced by a chapter upon "Accident and Accident Insurance in New York," the reports concerning accidents being returned by railway companies, factories, and mines, and statistics of various sorts being drawn from these returns. Statistics likewise of the amounts of accident insurance and the benefits, and also forms of the policies written are given.

This is followed by a chapter upon "Employers' Liability in England and America," in which the author considers the employers' liability at common law, and the development of this branch of law in both Great Britain and the United States. He also presents statutory modifications of the law as in Massachusetts and other commonwealths and proposed legislation in New York. Since the appearance of this book, Governor Odell has in his message recommended that some amendment to the law be made. In appendices to this chapter there are presented the English Employers' Liability Act of 1880, the Asquith Bill of 1893, which was passed by the Lower House and rejected by the House of Lords, and the English "Workmen's Compensation Act of 1897." The appendices also include statistics of accidents in Great Britain, and a complete collection of the Employers' Liability Laws of the United States and of the liability bills introduced in New York during 1900.

From the consideration of these laws in England and America the author passes to the consideration of similar laws in other countries. He first takes up the laws of Germany, which are reasonably familiar to American readers. He describes their operation and gives statistics concerning the same, with great fullness. He also makes a summary

of the results of the laws and adds three appendices, two being translations of the laws themselves and one, statistics of the insurance system.

When he leaves Germany he goes into a field which is unfamiliar to most American readers, and he takes up a class of legislation which has completely revolutionized the attitude of the law toward claims by workmen for compensation for injuries inflicted when they are at work. Because Austria was the first country in which laws of the strictly new type were enacted, he first presents an account of this legislation in that country. He also presents a translation of the accident laws, with all amendments and extensions thereof, and statistics of their operation.

In chapter five he continues by giving the laws of Norway, Finland, and Denmark, which are based upon the same principle as the Austrian law; and in chapter six he proceeds to give the laws of Italy, France, and Spain, which are likewise upon the same principle.

In chapter eight the laws in all other countries of Europe, and of New Zealand, are considered. In most of these countries, excepting the last mentioned, the laws are still of the old type.

It thus appears that in this one book is gathered together complete translations of the employers' liability laws of all the important countries of the world, including the States of the United States, separately. It also contains statistics, showing their operation, a discussion of the principles upon which they are based, and synopsis of the arguments in favor of their adoption. The value of such a compilation can scarcely be exaggerated.

It is no part of the intention of the writer of this review to attempt to forestall the book itself in explaining to its readers the nature of these different laws; but it is impossible to refrain from saying that the new class of legislation, which has spread from Austria throughout practically all the countries of Europe in less than fourteen years involves a complete change of base in dealing with industrial accidents. One could stop at this point in explaining the matter, if it were not that the reader would be likely to suppose that the change of base is one similar to the change made by the German government under Bismarck from individual liability of employers to a state fund for insurance, contributed by employers, by workmen, and by the general taxpayers. This, however, is not the fact. The laws of

Austria were based upon the proposition that the damages to individuals, because of industrial accidents, are as much a part of the cost of the product, as is the coal, wear and tear on machinery, wages, or any other element which enters into the production. It was further argued that, under the old system, the larger part of this cost fell upon the individual workmen in a manner, such as to frequently crush them and their families to the great damage of the state; and that there was no means by which it could be added to the price of the product and passed to the consumer, except by taxing it to the employer and requiring him to pay the same. This, of course, was a complete abandonment of the individualistic proposition, that the right to compensation arises out of the failure of the employer to exercise proper negligence and is, to a degree, penal. The Austrian system does not regard this compensation as a matter between the employer and the employee at all, excepting in a merely incidental way. It regards the consuming public as the persons, who should and must pay the entire cost of the product and its mediate payment by the employer as a means of compelling its immediate payment by the consumers. This seems so reasonable, that it has in the short space of fourteen years made its way in all countries of Europe, including the most enlightened and progressive in industrial matters, like Great Britain, for instance, where the bill was carried through by the conservative government, and including also the least progressive in industrial matters, like Italy and Spain. As a result of these laws, almost one hundred per cent of the industrial accidents are compensated in a reasonable degree, the amount of compensation being fixed by the law; while, under the operation of the laws of the United States, not more than from about five per cent to seven per cent on the average are compensated at all, and very frequently these fortunate claimants recover excessive judgments for damages, the proceeds of which are divided with lawyers, who take the cases on shares.

It is altogether probable that the publication of this valuable information, so difficult of access, by the Bureau of Labor Statistics of New York, will lead to a movement in the United States to establish similar legislation, and in any event this report is one which no statistician or student of political economy can afford to be without.

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